

FILED

SEP 28 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00685 PJH (DMR)
Plaintiff,	)	
v.	)	DETENTION ORDER
SERGIO RIVERA MENDEZ,	)	
Defendant.	)	

I. DETENTION ORDER

Defendant Sergio Rivera Mendez is charged in an indictment with illegal reentry into the United States following deportation in violation of 8 U.S.C. § 1326(a) and (b). On September 23, 2011, the United States moved for Mr. Mendez' detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the September 28, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse

DETENTION ORDER  
CR 11-00685 PJH (DMR)

1 witnesses, and to present information by proffer or otherwise), and retained his right to raise any  
2 additional relevant information at a later hearing. The Court notes that Defendant is subject to an  
3 immigration detainer issued by Immigration and Customs Enforcement ("ICE").

4 After considering the limited information available to the Court, and the factors set forth  
5 in 18 U.S.C. § 3142(g), the Court detains Mr. Mendez as a serious risk of flight and finds that no  
6 condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his  
7 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d  
8 1403, 1406 (9th Cir. 1985).

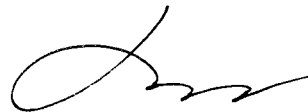
## 9 II. CONCLUSION

10 The Court detains Mr. Mendez as a serious flight risk. Because Defendant waived his  
11 right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant  
12 information at a later hearing, the Court orders that the hearing may be reopened at Defendant's  
13 request at any future time.

14 Defendant shall remain committed to the custody of the Attorney General for  
15 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or  
16 serving sentences or being held in custody pending appeal. Defendant shall be afforded  
17 reasonable opportunity for private consultation with counsel. On order of a court of the United  
18 States or on request of an attorney for the Government, the person in charge of the corrections  
19 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the  
20 purpose of an appearance in connection with a court proceeding.

21 IT IS SO ORDERED.

22  
23  
24 DATED: September 28, 2011



25 DONNA M. RYU  
26 United States Magistrate Judge  
27  
28